

REMARKS

The Office Action mailed February 28, 2006 has been received and reviewed. Claims 1, 2, and 16 have been amended. All amendments and cancellations are made without prejudice or disclaimer. Claims 21-23 are new. All of claims 1-7, 10-12, 16-18, and 20-23 are presented for examination. Claims 1-7, 10-12, 16-18, and 20 stand rejected. Reconsideration is respectfully requested.

Interview Summary

Applicants respectfully extend their thanks to Jean C. Witz for the interview of December 13, 2005. Pursuant to MPEP § 713.04, applicants state the following: Applicants' representatives generally discussed the rejections under 35 U.S.C. § 112. This included a discussion of two phases of disease progression existing in anthrax infection. The Examiner stated it would be necessary to direct the claims to a specific phase of the disease for treatment (the cytokine storm). The Examiner stated she believed clarification of the disease phase for treatment in present claims would likely overcome the rejections under 35 U.S.C. § 112.

Further discussion included formats of the specification and claims. The Examiner stated that the (oligo)peptides recited in claims 1, 2 and 16 needed to be enumerated by SEQ ID NOs in a Markush group including four sequences, and previously withdrawn claims to (oligo)peptides needed to be canceled. The Title of the present application needed to be broadened. Applicants have amended the application as understood.

Basis for new claims

Claims 21-23 are newly added and specifically address the selected four sequences. Support for claims 21-23 can be found throughout the application, for example, Table 6 of the specification.

Claim rejections

Claims 1-7, 10-12, 16-18, and 20 were rejected on the ground of nonstatutory obvious-type double patenting as allegedly being unpatentable over claims 1-9 of US Patent 6,844,315. To expedite prosecution, a terminal disclaimer is enclosed herewith to overcome the rejections.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' agent at the address or telephone number given herein.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
Check No. 22896 in the amount \$60
Check No. 22642 in the amount \$65
Supplemental Information Disclosure Statement

Document in ProLaw